

INTERSTATE SHIPMENT: From the States of Indiana and Missouri, of quantities of *Seconal sodium capsules*, *pentobarbital sodium capsules*, and *sulfadiazine tablets*.

ALLEGED VIOLATION: On or about March 23, 1949, while a number of *Seconal sodium capsules* were being held for sale after shipment in interstate commerce, the defendant caused the capsules to be sold and disposed of to a purchaser, in the original bottle in which the capsules had been shipped in interstate commerce, without a prescription of a physician. The capsules contained in the original bottle had been exempt from the requirements of Section 502 (f) (1), prior to the date of the sale, since the label bore the prescription legend required by the regulations. This exemption expired when the defendant sold the capsules without a physician's prescription and resulted in the misbranding of the capsules in violation of Section 502 (f) (1), since the bottle bore no labeling containing directions for use.

On or about February 18, March 22, and May 2 and 6, 1949, the defendant caused a number of *Seconal sodium capsules*, *pentobarbital sodium capsules*, and *sulfadiazine tablets* to be repackaged and sold to various persons without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded as follows: Section 502 (b) (1), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the repackaged drugs bore no labels containing accurate statements of the quantity of the contents; Section 502 (d), the repackaged *Seconal sodium capsules* and *pentobarbital sodium capsules* contained chemical derivatives of barbituric acid, which derivatives had been designated as habit forming, and the repackaged capsules bore no labels containing the name and quantity of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming"; Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use; and, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* bore no warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 22, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

3145. Misbranding of sulfadiazine tablets and sulfathiazole tablets. U. S. v. Howard B. Ridley and Albert G. Nickleberry. Pleas of nolo contendere. Fine of \$250 against each defendant. (F. D. C. No. 28153. Sample Nos. 32074-K, 34121-K, 34162-K.)

INFORMATION FILED: April 19, 1950, Northern District of California, against Howard B. Ridley, a partner in the partnership of Center Pharmacy, Oakland, Calif., and Albert G. Nickleberry, a pharmacist for the partnership.

INTERSTATE SHIPMENT: From North Chicago, Ill., and Indianapolis, Ind., into the State of California, of quantities of *sulfathiazole tablets* and *sulfadiazine tablets*.

ALLEGED VIOLATION: On or about January 13 and April 25 and 28, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1), and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; Section 502 (e) (1), the repackaged drugs failed to bear labels containing the common or usual names of the drugs; Section 502 (f) (1), the repackaged drugs failed to bear labeling containing directions for use; and, Section 502 (f) (2), the repackaged drugs bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 9, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against each defendant.

3146. Misbranding of sulfathiazole tablets and Dexedrine sulfate tablets. U. S. v. J. Howard Luna (H. & W. Drug Co.), and Thomas C. Lawson. Pleas of guilty. Fine of \$100 against each defendant. (F. D. C. No. 28126. Sample Nos. 53391-K, 53392-K, 53474-K, 53499-K, 53500-K.)

INFORMATION FILED: March 14, 1950, Northern District of Alabama, against J. Howard Luna, trading as the H. & W. Drug Co., Tuscaloosa, Ala., and against Thomas C. Lawson, a pharmacist employed by Mr. Luna.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania into the State of Alabama, of quantities of *sulfathiazole tablets* and *Dexedrine sulfate tablets*.

ALLEGED VIOLATION: On or about May 13 and June 28, 1949, and while the drugs were being held for sale after shipment in interstate commerce, the defendants, J. Howard Luna and Thomas C. Lawson, jointly caused various quantities of *sulfathiazole tablets* and *Dexedrine sulfate tablets* to be repackaged and sold without a prescription; and on or about June 28, 1949, J. Howard Luna individually caused similar sales of other quantities of the same drugs, which acts of the defendants resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; Section 502 (e) (1), certain quantities of the repackaged tablets failed to bear labels containing the common or usual name of the drug; Section 502 (f) (1), the labeling of the repackaged *Dexedrine sulfate tablets* bore no directions for use; and, Section 502 (f) (2), the repackaged *sulfathiazole tablets* bore no labeling containing warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 8, 1950. Pleas of guilty having been entered, the court imposed a fine of \$100 against each defendant.

3147. Misbranding of Bible Way Tonic, Bible Way Anointing Oil, and drug capsules. U. S. v. Ray McDaniel (Elder R. McDaniel). Plea of guilty. Fine of \$50 and sentence of 1 year in jail on each of 4 counts. Jail sentence suspended and defendant placed on probation for 4 years. (F. D. C. No. 26728. Sample Nos. 1080-K, 19595-K, 19596-K.)

INFORMATION FILED: August 19, 1949, Southern District of Ohio, against Ray McDaniel, trading as Elder R. McDaniel, Columbus, Ohio.